

King County/Burien/Seattle
Memorandum of Understanding relating to the resolution of North Highline
annexation

This Agreement is hereby entered into by King County, a home rule charter county, a political subdivision of the State of Washington, the City of Seattle, a municipal corporation, and the City of Burien, a municipal corporation.

WHEREAS, RCW 36.70A.110(2), the Washington State Growth Management Act of 1990 as amended requires each City within the County to propose the location of urban growth areas; and

WHEREAS, the Countywide Planning Policies adopted and approved by Ordinance 10450 on July 6, 1992 by the County Council and amended by Ordinance 11446 on July 19, 1994 and ratified by Cities within the County, establishes rules for designating City potential annexation areas within the countywide urban growth boundary; and

WHEREAS, the Countywide Planning Policies state that each City shall designate a Potential Annexation Area in collaboration and consultation with adjacent counties, cities, and affected residents; and

WHEREAS, RCW 36.70A.210 of the Washington State Growth Management Act of 1990, as amended, states that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas; and

WHEREAS, the Washington State Growth Management Act and Countywide Planning Policies call for all urban areas to be inside cities by 2012, to enable the county to focus on delivery of regional and rural services; and

WHEREAS, the King County Budget Advisory Task Force, in its June 2003 report, concluded that "absent dramatic changes in the way King County does business, and the availability of new revenues, every year in the future, county general government service budgets will be cut and service levels will suffer....[and] are not sustainable," and further concluded that "the longer the county remains in the urban service business, the longer the budget crisis will continue"; and

WHEREAS, in 2004, the county embarked on a multi-year initiative, partnering with cities, communities and the state legislature to accomplish annexations at a faster pace, finding additional funding sources to smooth the transition to city government, and, where appropriate, seeking changes in state annexation law; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to designate logical and achievable potential annexation area boundaries and to ensure there are no overlaps or unincorporated urban islands between Cities; and

WHEREAS, the North Highline communities are the only undesignated urban unincorporated areas in King County; and

WHEREAS, the cities of Tukwila and Seattle have designated small areas of North Highline in the South Park industrial area as potential annexation areas that are overlapping and in conflict; and

WHEREAS, the cities of Seattle and Burien are interested in potentially annexing all or part of the North Highline Unincorporated Area; and

WHEREAS, the North Highline Unincorporated Area Council (NHUAC) completed a governance study in 2005 that concluded incorporation is not financially feasible; staying unincorporated will not serve the long term interests of a majority of the residents; the area would prefer to be annexed as a whole; and the majority of the NHUAC supports annexation to Burien; and

WHEREAS, the Burien City Council in December 2005 delayed any decision on whether to place any part of North Highline in the City's potential annexation, and in January 2006 agreed to continue to actively participate in the dialogue with the County and City of Seattle on this matter; and

WHEREAS, King County Executive Ron Sims agreed to lead an effort to establish a process for resolution of a Potential Annexation Area (PAA) for North Highline with adjacent cities at the request of the cities of Burien and Seattle; and

WHEREAS, the cities of Tukwila and SeaTac declined the invitation to participate in this effort; and

WHEREAS, the cities of Seattle and Burien will be making decisions on PAA designation as part of their 2006 Comprehensive Planning efforts; and

WHEREAS, King County, the City of Seattle, and Burien agree that is in their joint-interest and the public interest to:

- a) Achieve joint designation of Potential Annexation Area(s) encompassing the entire North Highline Area through collaboration with King County, the City of Burien, the City of Seattle, and residents of the North Highline Unincorporated Area.
- b) Establish processes for engaging community stakeholders in PAA and annexation decisions.

- c) Establish schedules for PAA designation(s) and annexation of the entire North Highline Unincorporated Area.
- d) Share information among jurisdictions to facilitate an open, responsive process with active, informed citizens.
- e) Identify options for resolving service transition issues.

NOW, THEREFORE, it is hereby agreed between the parties as follows:

- 1) That King County shall lead an effort to achieve coordinated designation of Potential Annexation Area (s) by the affected jurisdictions encompassing the entire North Highline Unincorporated Area.
- 2) That the following criteria for decision-making, based on the objectives established by the Washington Growth Management Act for boundary review boards in RCW 36.93.180, shall guide the joint designation of PAAs and the resolution of local governance:
 - a. Preservation of natural neighborhoods and communities (RCW 36.93.180),
 - b. Use of physical boundaries: including but not limited to bodies of water, highways, and land contours (RCW 36.93.180),
 - c. Creation and preservation of logical service areas (RCW 36.93.180), that take into account:
 - i. Financial and technical ability of annexing city to provide municipal services,
 - ii. Recognition of special district boundaries and service impacts,
 - d. Prevention of abnormally irregular boundaries (RCW 36.93.180) and or unincorporated islands,
 - e. Recognition of political, financial and social implications for North Highline and the annexing city.
- 3) The parties recognize representative community engagement is critical to this process and agree to implement the North Highline Community Engagement Plan, attached hereto as Exhibit "A", to inform, consult, involve, and collaborate with residents on governance decision-making.
- 4) The parties shall inform, consult, involve and collaborate with affected service providers including but not limited to: Fire District 11, Water District 20, Water

District 45, ValVue Sewer District, Southwest Suburban Sewer District, Seattle Public Utilities, King County Sheriff, King County Housing Authority, and King County Library District.

- 5) The parties hereby agree that they will jointly commit to pursuing the process and target dates, as outlined in the "North Highline Governance Work Plan & Schedule" attached hereto as Exhibit "B", to implement this Memorandum of Understanding.
- 6) The parties agree to share the costs of the community engagement process identified on Exhibit A of this agreement. Any shared costs shall be agreed upon by all parties prior to expenditure of funds. Phase 1 costs will be paid for by King County. Phase 2 costs will be shared equally by the cities and are not to exceed \$10,000. Examples of shared costs could include, but are not limited to: dissemination of meeting publicity or annexation information within North Highline; meeting costs, such as facilitation, room rental and setup, and refreshments.
- 7) Any party wishing to terminate its obligations under this Agreement this agreement shall issue a written notice of intent to terminate not less than thirty (30) days prior to issuing a three (3)-month written notice of termination. Upon receipt of the written notice of intent to terminate, all parties shall participate in a meeting, the purposes of which will alternatives to termination and impacts of termination, among other matters.


SIGNED,



Ron Sims, King County Executive

3-29-2006

Date



Greg Nickels, Mayor, City of Seattle

3-31-2006

Date



David Cline, Interim City Manager, City of Burien

3-29-06

Date

Exhibit A: North Highline Community Engagement Plan

Product	Objective	Lead	Date
PHASE 1			
Community mailing: Flyer/Invitation	<ul style="list-style-type: none"> • Provide education on annexation basics • Update residents on current MOU effort • Present neighborhood meeting schedule 	King County	Completed by April 28
Email to community groups announcing effort (WCCDA, UAC, Making Connections, social service providers)	<ul style="list-style-type: none"> • Inform groups of outreach effort • Encourage them to spread word about meetings 	King County	Completed by April 28
4-5 Neighborhood Meetings	<ul style="list-style-type: none"> • Education • Input on values to be considered in decision-making • Input on boundary • Input on service transition issues 	King County	Completed by May 30
Community Engagement Report	<ul style="list-style-type: none"> • Report on findings from neighborhood meetings • Used to inform Electeds recommendation 	King County	Completed by Mid-June
PHASE 2			
Flyer/Invitation	<ul style="list-style-type: none"> • Present Electeds preferred alternative • Report on neighborhood meetings 	Seattle/Burien	Completed by August 30

	<ul style="list-style-type: none"> • Announce public meeting and comment 		
Community Forum	<ul style="list-style-type: none"> • Present recommendation / preferred alternative • Public comment 	Seattle/Burien	Completed by August 30

Exhibit B: North Highline Governance Resolution Work Program & Schedule

Target Date	Actions	Preservation of communities (RCW 36.93.180)	Use of physical boundaries (RCW 36.93.180)	Creation and preservation of logical service areas(RCW 36.93.180) <ul style="list-style-type: none">Financial and technical ability to provide municipal servicesRecognition of special district boundaries	Prevention of irregular boundaries(RCW 36.93.180)	Recognition of political, financial and social implications for the annexing city
March '06	Convene elected officials to reach agreement on general approach					
April-May '06	Staff engagement with special districts and local service providers		X	X	X	X
April-May '06	Community Education/ Engagement	X				X

June '06	Joint Staff Analysis of decision criteria and PAA options identified in Community Engagement Process and Service Transition Assessment	X	X	X	X	X
July '06	Convene Elected Officials to review progress and make recommendation for preferred PAA alternative	X	X	X	X	X
July '06	Mayors forward PAA recommendation to Councils	X	X	X	X	X
December '06	Burien and Seattle adopt comprehensive plan amendments resulting alone or in combination in PAA					

